

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MARTY SCOTT FITZGERALD,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:09-cv-0286-RCJ-VPC

**ORDER**

This matter is on a civil rights complaint pursuant to 42 U.S.C. § 1983. The Court screened the complaint as required by 28 U.S.C. § 1915 and dismissed count two of the complaint with leave to amend (ECF No. 13). The Court further advised that if plaintiff did not amend the complaint within the time allowed, it would proceed as to counts one and three only.

The Court notes that despite being given additional time to amend the complaint, none has been filed. Therefore, the matter shall proceed as to counts 1 and 3 of the First Amended Complaint, subject to the dismissals ordered by this Court on November 29, 2010.

**IT IS THEREFORE ORDERED** that count two of the First Amended Complaint is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** as follows:

1. The Clerk shall electronically serve a copy of this order, the order of November 29, 2010 (ECF No. 13) and with a copy of plaintiff's first amended complaint (ECF No. 14), on the Office of the Attorney General of the State of Nevada, to the attention of Pamela Sharp.

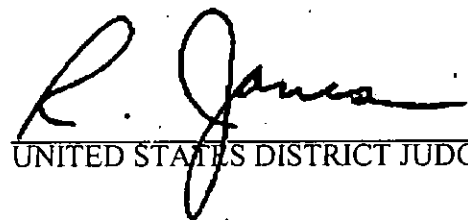
2. The Attorney General's Office shall advise the Court within **twenty-one (21) days** of the date of entry of this order whether it can accept service of process for the named defendants. As to any of the named defendants for which the Attorney General's Office cannot accept service, the Office shall

1 file, *under seal*, the last known address(es) of those defendant(s). If the Attorney General accepts service  
2 of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response  
3 to the complaint within **thirty (30) days** of the date of the notice of acceptance of service.

4 3. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a motion  
5 identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and  
6 address for said defendant(s). Plaintiff is reminded that, pursuant to Rule 4(m) of the Federal Rules of  
7 Civil Procedure, service must be accomplished within one hundred twenty (120) days of the date the  
8 complaint was filed.

9 **IT IS FURTHER ORDERED** that henceforth, plaintiff shall serve upon defendants, or,  
10 if an appearance has been made by counsel, upon their attorney(s), a copy of every pleading, motion, or  
11 other document submitted for consideration by the court. Plaintiff shall include with the original paper  
12 submitted for filing a certificate stating the date that a true and correct copy of the document was mailed  
13 to the defendants or counsel for defendants. If counsel has entered a notice of appearance, the plaintiff  
14 shall direct service to the individual attorney named in the notice of appearance, at the address stated  
15 therein. The court may disregard any paper received by a district judge or a magistrate judge that has  
16 not been filed with the Clerk, and any paper which fails to include a certificate showing proper service.

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18 Dated this 21st day of March, 2011.

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22 UNITED STATES DISTRICT JUDGE  
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